

4-16-5 Distribution of seeds -- Germination tests required -- Date to appear on label -- Seed to be free of noxious weed seed -- Special requirements for treated seeds -- Prohibitions.

- (1) No person in this state shall offer or expose any agricultural, vegetable, flower, or tree and shrub seed or seeds for sprouting for sale or sowing unless:
- (a)
 - (i) for agricultural seeds, including mixtures of agricultural seeds:
 - (A) a test to determine the percentage of germination has been performed within 18 months, exclusive of the month the seed is tested and the date the seed is offered for sale; and
 - (B) the date of the test appears on the label;
 - (ii) for vegetable, flower, or tree and shrub seed or seeds for sprouting:
 - (A) a test to determine the percentage of germination has been performed within nine months, exclusive of the month the seed is tested and the date the seed is offered for sale; and
 - (B) the date of the test appears on the label;
 - (iii) for hermetically sealed agricultural, vegetable, flower, or tree and shrub seed:
 - (A) a test to determine the percentage of germination has been performed within 36 months, exclusive of the month the seed is tested and the date the seed is offered for sale; provided, that hermetically sealed seeds may be offered or exposed for sale after 36 months if they have been retested for germination within nine months, exclusive of the month the seed is retested and the date the seeds are offered or exposed for sale; and
 - (B) the date of the test appears on the label;
 - (b) its package or other container is truthfully labeled and in accordance with Section 4-16-4; and
 - (c) it is free of noxious weed seed, subject to any tolerance as may be prescribed by the department through rule.
- (2) The label on any package or other container of an agricultural, vegetable, flower, or tree and shrub seed which has been treated and for which a claim is made on account of the treatment, in addition to the labeling requirements specified in Section 4-16-4, shall:
- (a) state that the seeds have been treated;
 - (b) state the commonly accepted name, generic chemical name, or abbreviated chemical name of the substance used for treatment;
 - (c) if the seed is treated with an inoculant, state the date beyond which the inoculant is not considered effective; and
 - (d) include a caution statement consistent with rules of the department if the treatment substance remains with the seed in an amount which is harmful to vertebrate animals; provided, that the caution statement for mercurials and similarly toxic substances, as defined by rule of the department, shall state the seed has been treated with poison with "POISON" printed in red letters on a background of distinctly contrasting color together with a representation of the skull and crossbones.
- (3) A person may not:
- (a) use the word "trace" as a substitute for a statement required under this chapter;
 - (b) disseminate any false or misleading advertisement about agricultural, vegetable, flower, or tree and shrub seed or seeds for sprouting; or
 - (c) detach, alter, or destroy any label or substitute any seed in a manner which defeats the purpose of this chapter.

Amended by Chapter 81, 1997 General Session